IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4467 of 2005

Between:

Boddupally Mallaiah, s/o Chandraiah,
r/o Upparapally Village, Wardhannapet Mandal, Warangal District.

..... PETITIONER

AND

1 A.P.Transco rep., by its Chairman and Managing Director, Hyderabad.
2 Northern Power Distribution Company of A.P.Ltd., rep., by its Chief Managing Director,
Opp:REC Petrol PUmp, Kazipet, Warangal.
3 Superintendent Engineer, NPDCL, Warangal.
4 The Divisional Engineer, Elecl.C& O, NPDCL, Nakkalagutta, Hanamkonda, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, declaring the action of the respondents herein not releasing and paying the pension and retirement benefits to the petitioner is illegal, arbitrary, void abinitio and violative of Article 14 & 21 of Constitution of India besides violate of principles of natural justice and consequently direct the respondents to release and pay the entire service and retirement benefits like pension and gratuity etc., forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice and equity and in the circumstances of the case.

Counsel for the Petitioner: MR.A.RAVINDER

Counsel for the Respondents: MR.SAMINENI KISHORE

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 4467 of 2005

ORDER:

This writ petition is filed seeking writ of mandamus, declaring the action of the respondents in not releasing and paying the pension and retirement benefits to the petitioner, as illegal and arbitrary.

2. According to the petitioner, he worked as an Assistant Lineman in the respondent-organization and after attaining the age of super-annuation, he was retired from service on 30-06-2004, he submitted all the relevant pension papers to the respondent-Organization for the purpose of releasing pension as well as the retirement benefits like gratuity etc., The petitioner also got issued legal notice, dated 04-10-2004, but no action has been taken by the respondent-Organization.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Organization.

4. In that view of the matter, an appropriate decision has to be taken by the 2nd respondent-Chief Managing Director, Northern Power Distribution Company of Andhra Pradesh Limited, Kazipet, Warangal, to consider the moot question that arises for determination in this case “as to whether the petitioner is entitled to release of pension and retirement benefits.”

5. Therefore, without entering into the merits of the case, suffice it to dispose of the writ petition with certain direction.

6 . Accordingly, the writ petition is disposed of, directing the 2nd respondent-Chief Managing Director, Northern Power Distribution Company of Andhra Pradesh Limited, Kazipet, Warangal, to take appropriate decision on the legal notice, dated 04-10-2004, issued by the petitioner, within six weeks’ time,

from the date of receipt of a copy of this order, with regard to the release of pension and retirement benefits. No costs.

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March 22, 2005

Kvr

To

1 The Chairman and Managing Director, A.P.Transco, Hyderabad.
2 The Chief Managing Director, Northern Power Distribution Company of A.P.Ltd., Opp:REC Petrol PUmp, Kazipet, Warangal.
3 The Superintendent Engineer, NPDCL, Warangal.
4 The Divisional Engineer, Elecl.C& O, NPDCL, Nakkalagutta, Hanamkonda, Warangal.

5 2 CD copies.